



Janice K. Brewer
Governor

State Of Arizona Board of Podiatry Examiners

"Protecting the Public's Health"

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Barry Kaplan, DPM; Joseph Leonetti, DPM; Barbara Campbell, DPM;
M. Elizabeth Miles, Public Member; John Rhodes, Public Member; Sarah Penttinen, Executive Director

BOARD MEETING MINUTES

July 10, 2013; 8:00 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

Board Members: Joseph Leonetti, D.P.M, President
Barry Kaplan, D.P.M., Member
Barbara Campbell, D.P.M., Member
M. Elizabeth Miles, Secretary-Treasurer
John Rhodes, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: John Tellier

The following items were not reviewed in order in which they appear in the minutes.

I. Call to Order

The meeting was called to order at 8:28a.m.

II. Roll Call

Dr. Leonetti participated in the meeting by telephone. All other Board members were present in the meeting room as were Mr. Tellier and Ms. Penttinen.

III. Approval of Minutes

a. June 12, 2013 Regular Session Minutes.

MOTION: Dr. Kaplan moved to approve the minutes with typographical corrections. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. June 12, 2013 Executive Session Minutes.

MOTION: Dr. Kaplan moved to approve the minutes as drafted. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

IV. Review, Discussion and Possible Action –Review of Complaints

a. 11-23-M – Serrina Yozsa, DPM: Practice below the standard of care for improper surgery.

Dr. Yozsa was not present. Dr. Dedrie Polakof was the investigator and was present. Dr. Polakof provided the following summary: Patient P.M. sought treatment with Dr. Yozsa due to exercise-induced pain in the right foot. The patient had a history of fibromyalgia and ankle pain due to previous trauma.. Dr. Yozsa ordered and MRI which showed a tear in the peroneal tendon. Surgery was done to repair the tendon. However, a few days after the surgery the patient was walking without any bandaging or support and heard pop in the foot. She went back to Dr. Yozsa who ordered another MRI which showed a tear of the same tendon at the same location as the first surgical repair. Dr. Yozsa performed a second surgery to repair the tendon. After that the patient transferred to Dr. Mark Forman. Dr. Forman ordered another MRI which showed that the second surgical correction by Dr. Yozsa had been successful.

Dr. Polakof continued: She spoke with the patient by phone and was told that the patient later went to Dr. Lee Dellon for continued care and surgical correction of unspecified nerve trauma. That surgery was not successful and the patient now has a drop foot and increased fibromyalgia pain in the foot. She

asked the patient when the sural nerve was damaged but the patient was uncertain. Dr. Polakof stated that in her review of all available records she did not find any evidence to indicate that there was any damage or trauma to the sural nerve. However, she added that Dr. Yozsa's notes were not appropriate. She stated there were many repetitions in the notes from one office visit to the next, including the patient having the same blood pressure of seven different visits. There were also inconsistencies with the notes stating "reason for visit" as "3rd post-operative visit" but the substantive portion of the note says "surgery performed yesterday." Dr. Polakof feels that there is too much "copy and paste" in the templated notes Dr. Yozsa is using and that this falls below the standard of care. Dr. Polakof concluded that she does not find the allegation to be substantiated. Although she finds no evidence of sural nerve injury, it is a rare but known possible complication of surgery to repair the peroneal tendon. But she feels that Dr. Yozsa's documentation is concerning.

Dr. Leonetti stated he wanted to know how the diagnosis was made that the sural nerve had been damaged and what treatment Dr. Dellon gave the patient. Dr. Polakof stated she asked the patient that and was told to call the patient's attorney. Dr. Polakof made three attempts to do so but never received a call back. Dr. Kaplan stated he agreed that nothing in the records indicates there was damage to the sural nerve and the patient did not have any symptomatology to support that. He added that repair of the peroneus longus tendon may impact the sural nerve, but not at the level where Dr. Yozsa performed surgery. Dr. Campbell agreed and added that when a patient has fibromyalgia, any surgery or disruption of the area can cause a flare-up of nerve pain in general. She added that the patient was non-compliant regarding remaining non-weight bearing, was also a smoker, and had a history of prior ankle trauma. There was a note that a cold therapy unit had been ordered but it is unknown if the patient used it.

Dr. Polakof stated there was poor documentation regarding any type of biomechanical evaluation Dr. Yozsa may have done. However, the MRI ordered by Dr. Forman indicates that the tendon repair by Dr. Yozsa was healing within normal limits and there were no tendon tears at that time. Dr. Kaplan questioned why the patient was referred to Dr. Dellon and noted that the Board does not have any notes from him. Ms. Penttinen explained that Dr. Dellon no longer practices in Arizona so the Board has no subpoena authority. She attempted to contact the patient's attorney several times to get an authorization from the patient to obtain her records but the attorney did not return her calls. Dr. Kaplan stated he believed Dr. Dellon has an office in Tucson and it is believed that is where the patient was treated by him. He agrees with Dr. Polakof's concerns regarding Dr. Yozsa's record keeping but finds no evidence at this time of damage to the sural nerve. He suggested a Letter of Concern. Ms. Miles confirmed with the physician members that they each find the allegation regarding surgery to be unsubstantiated. She added that she has a great deal of concern regarding Dr. Yozsa's documentation. The Board members agreed to table to matter at this time because they would like to speak with Dr. Yozsa. Ms. Penttinen was directed to obtain the patient's records from Dr. Dellon and to invite Dr. Yozsa to appear at the next Board meeting to discuss this case.

b. 11-25-C – Kent Peterson, DPM: Practice below the standard of care for improper hammertoes correction which caused need for additional surgery and medical expenses.

Dr. Peterson was present with attorney Bruce Crawford. Dr. Dedrie Polakof was the investigator for the case and was present. Dr. Polakof provided the following summary: Patient J.C. went to see Dr. Peterson due to hammertoe pain in the second toes bilaterally. Surgery was done in August 2011 to correct both feet. The left toe healed well; however, the patient developed an infection in the right toe. The patient was concerned that the length of time it took Dr. Peterson to treat the infection. The patient also had to have a second surgery on the right toe in November 2011 which he feels was unnecessary and could have been avoided if Dr. Peterson did the procedure properly the first time. The patient also was concerned that the additional cost of the second surgery. In his written response to the complaint, Dr. Peterson stated that the patient was noncompliant with post-operative instructions, specifically in relation to keeping the toe clean. He also stated the patient did not protect the toe appropriately. Dr. Polakof stated that she reviewed the complete patient charts and she does not feel that there was any substantiation of practice below the standard of care. She reviewed all office visits, operative reports and x-rays.

Dr. Peterson then discussed the case with the board. He stated that the patient was a very difficult patient and confirmed for Dr. Kaplan that the patient had continued to work post-operatively when he had been advised not to do so. Dr. Peterson also stated that the patient's bandages were often dirty when he came to the office. Dr. Peterson confirmed for Dr. Kaplan that there was a non-union of the second toe in question and the hardware that it been placed during the first surgery was removed during the second surgery. Dr. Kaplan and Dr. Campbell both reviewed the original x-rays which Dr. Peterson brought with him today. (Dr. Peterson was not able to provide copies of the x-rays because there are no services available anymore that can copy hard films. The patient's original x-rays were returned to Dr. Peterson following the conclusion of the board's review of this case.)

Dr. Leonetti asked about a patient statement that he had to go to an urgent care center because he was not able to get in touch with Dr. Peterson. Dr. Peterson clarified that he had been on call, but for some reason the patient had tried to contact Dr. Brad Hayman instead of calling him. The patient went to urgent care because he thought he was developing an infection, and Dr. Peterson stated that as soon as he became aware of this he saw the patient in the office the next day. There were no other questions from the board members.

MOTION: Dr. Campbell moved to dismiss this case finding no violations. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

c. 11-41-C – Daniel Saunders, DPM: Practice below the standard of care for improper bunion correction; practice below the standard of care for improper and unnecessary hammertoe corrections.

This case was previously reviewed by the Board on May 8, 2013. At that time the case was tabled in order to obtain the surgical consent form from Banner Desert Medical Center and to ask Dr. Saunders to appear to discuss the case. Dr. Saunders is present with attorney Bruce Crawford. Dr. Polakof was the investigator for this case and was present. Dr. Polakof provided a brief summary of the surgical procedures that were performed and discussed in detail at the May 8 meeting. Dr. Kaplan reviewed that the main concern during the previous review was with regard to the surgical consent forms. The Board is now in receipt of the consent form from the surgical facility. He noted that this consent form is complete and is signed by the patient.

Dr. Leonetti asked Dr. Saunders to clarify what procedures were listed and a set of initials on the consent form. Dr. Saunders stated the procedure was to include hammertoes correction of toes 3, 4 and 5, but not 2. That is where the patient initialed the procedure. Dr. Leonetti stated that he wanted to make sure that Dr. Saunders had discussed what procedures would be done with the patient in his office prior to the date of surgery because in her previous appearance before the Board the patient stated she was not aware of what was going to be done. Mr. Crawford clarified that there was another surgical consent in Dr. Saunders' chart which specifies the surgical procedures to be done and it was signed prior to the date of service. Dr. Saunders clarified for Ms. Miles that the consent form with the foot diagram does have a hospital label from the date of surgery, but this is the form he completed in his office and brought with him that day for the patient's record. Dr. Campbell reviewed the consent forms and confirmed that, although they did not specify exactly how the procedures would be performed, they were complete in describing the procedures that would be done. There is also documentation that risks and complications were discussed as well and conservative treatment options. Dr. Kaplan stated he is satisfied that the consent forms were appropriate.

The patient addressed the Board and asked to see the surgical consent form from the hospital. She confirmed that she did sign that form but was upset because Dr. Saunders did not explain to her that he was going to put a pin in her toe or that any bones would be fused or joint removed. Her toes still stick up in the air and she is only able to grasp shoes with her 2nd toe. She stated she thought the procedure would be done by breaking her toes and realigning them, not by removing portions of the bones and cutting the tendons. She feels Dr. Saunders should have gone into much greater detail with her about

exactly how the procedures would be done and if she had know what he was going to do she would not have had the surgery.

Dr. Leonetti stated that in this case there was an unfortunate outcome but he believes Dr. Saunders' consent forms were appropriate. Ms. Miles explained to the patient that the standard of care does not require a surgical consent form to go into explicit detail of exactly how each procedure will be performed. She stated she understands the patient's concerns because she as a healthcare consumer likes to have very detailed information for her own care, but feels that it is up to the patient, if they want extremely detailed information, to ask for it. Ms. Miles stated she believes the consent forms and the information listed on them meet the standard of care and she does not feel Dr. Saunders committed any violation.

MOTION: Ms. Miles moved to dismiss the case finding no violations. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

V. Review, Discussion and Possible Action – Probation / Disciplinary Matters

a. 08-44-C – Alex Bui, DPM: Monthly update and request to terminate probation.

Ms. Penttinen reviewed the report submitted by Dr. Bui indicating he had no charts to submit for DME billing for the month of June 2013. The Board members then reviewed a request sent by Dr. Bui's attorney formally requesting termination of his probation. Ms. Penttinen reviewed that the official end date of the probation was June 28, 2013; however, Dr. Bui was required by his Consent Agreement for formally request and receive approval from the Board for termination of the probation.

MOTION: Dr. Kaplan moved to terminate Dr. Bui's probation. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. 09-17-B – J. David Brown, DPM: Monthly update.

Ms. Penttinen advised that Dr. Brown was present and had requested that the Board review his probation status in Executive Session due to discussion of his personal health information.

MOTION: Ms. Miles moved to go into Executive Session to discuss confidential health information. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the Board adjourned into Executive Session at 9:29 a.m.

The Board concluded Executive Session at 9:52 a.m. and recessed until 9:55 a.m. when Regular Session re-commenced.

c. 11-21-M – Robert Fridrich, DPM: Monthly update.

The Board members reviewed the report from Dr. Fridrich which indicates that he had no charts to submit for the month on June.

d. 13-05-B – Kathleen Stone, DPM: Monthly update.

Ms. Penttinen reviewed that there was no update at this time or reports of non-compliance with Dr. Stone's probation. Dr. Stone was present with attorney Bruce Crawford to discuss her license renewal application and dispensing registration renewal. That discussion is outlined below under agenda item VI(d).

VI. Review, Discussion and Possible Action on Administrative Matters

a. New license application for Mark Little, DPM.

Ms. Penttinen reviewed with the Board members that their previous action was to allow Dr. Little to sit for the oral license exam but to issue a Substantive Deficiency until that was completed. The Board members also decided they would give further consideration to Dr. Little's application if he passed the

oral exam and passed the National Board Part III exam. Ms. Penttinen advised that Dr. Little has passed both of those exams. Dr. Little also submitted proof of an additional 45 hours of hands-on CME he has completed in the last three months.

Dr. Leonetti reviewed that the Board had previously considered approving Dr. Little's application subject to a consent agreement which would immediately put his license on probation for a staggered re-entry into practicing. In previous discussions with the Board, Dr. Little had indicated that he would be amenable to such an agreement. There was discussion among the Board members regarding what type of procedures Dr. Little specifically would or would not be allowed to perform, as well as Dr. Little being required to submit charts for Board review of any procedures he may perform. Dr. Little was present and advised the Board that he wants to start slowly and would have a surgical assistant for any out-patient, facility-based procedures. There was further discussion regarding how Dr. Little may be allowed to gain privileges at hospitals and out-patient facilities, the types of procedures he would be allowed to perform, and the number of procedures he would be required to submit to the Board for review. Such review would also include copies of all associated billing records.

MOTION: Dr. Kaplan moved to approve Dr. Little's license application and issue him a license subject to a consent agreement, the terms of which are as follows: the license is immediately placed on probation until Dr. Little obtains surgical privileges at one hospital and one out-patient surgical facility; he must submit to the Board copies of complete charts including billing records for a minimum of 25 non-soft-tissue, boney procedures; the procedures must include both fore-foot and rear-foot procedures; and during such procedures Dr. Little must be accompanied by a surgical assistant who is a physician in good standing licensed in Arizona. The agreement does not prohibit Dr. Little from performing in-office, soft-tissue procedures. The motion also includes the requirement that Dr. Little request and be granted formal termination of the probation by the Board, and during the probation he must comply with all state and federal laws in relation to the practice of podiatry. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously.

b. Discussion regarding CodingLine article "Staff Performing Routine Foot Care."

Dr. Kaplan had submitted to the Board for review an article by "CodingLine" regarding in-office staff performing routine medical care. Dr. Kaplan reviewed the article which discusses how some services can be billed with Medicare if they are performed by staff and not the physician. The author of this article opined that such things could not be done. Dr. Kaplan stated that he brought this up because he wants the podiatry community to be aware that they cannot bill Medicare for services performed by other office staff such as a nurse. Dr. Kaplan thought it would be beneficial for a letter to be sent to the state podiatry association president suggesting that they discuss this with their members.

Dr. Leonetti discussed that he has seen a recent increase in physician-run courses which purport to train medical assistants to become certified in some fashion to perform essentially "extra" skills and they then advised the medical assistant to market themselves to medical offices with this certification. He believes this is an unwise practice and there may be problems with doctors thinking they can have nurses or medical assistants performing more duties in order to free up time for them to be able to see more patients. Dr. Leonetti agreed that it would be good to send a letter to the state association advising them that they should make their members aware of the problems that this can cause. The other Board members were in agreement with sending the letter.

c. CME approval request from Southern Arizona VA Medical Center.

The Board received an approval request from the Southern Arizona VA Medical Center for CME activities they are providing for their staff in-house. It is the same type of education activity that the Board has previously reviewed and approved called "Weekly Seminar in Current Concepts in Podiatric Medicine and Surgery" and includes 41 hours of instruction.

MOTION: Dr. Kaplan moved to approve the request. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

d. Review of license renewal and/or dispensing registration renewal for the following podiatrists:

Suzanne Abraham	Ryan Golub	Raymond Peterson
David Agoada	Ike Gorman	Tawnya Pfitzer
Raziuddin Ahmed	Julia Granone	Mark Pipher
Robert Andersen	Arnold Gross	John Powers
Steven Axt	Jared Hall	Ralph Rabin
Daniel Bangart	Jason Harrill	Trena Reed
Keith Bangart	Steven Hollander	Jeffrey Resnick
Justin Beabes	Daniel Hsu	Gordon Rheume
Carl Beecroft	Erika Huston	Kathleen Richards
Erich Bock	Brian Hutcheson	Lee Richer
Edward Bodmer	Richard Jacoby	J. Barton Ripperger
Steven Born	Matthew Jones	Terrence Roach
Joseph Borreggine	Sanford Kaner	Brett Roeder
Brian Broadhead	Ira Kaufman	Roberta Rowland
William Burke	Paul Keller	Karyn Sallus
Ana Burns	Ronald Killian	Blair Sandall
Barbara Campbell	John Knochel	Edward Scates
Garald Campbell	Duane Kratzer	Daniel Schulman
Zina Cappiello	Bruce Krell	Paul Shapiro
Alan Carlson	Teisha Kubala	Timothy Short
Robert Chiarello	Ladislav Kuchar	Kendall Shumway
Donald Chudy	Robert Kuvent	Shaun Simmons
Richard Cohen	Jay Larson	Martin Smith
Stanton Cohen	David Laurino	Jerome Steck
Michael Costantino	Bjorn Lawson	Alex Stewart
Samuel Cox	Andrew Lowy	Kathleen Stone
Kelvin Crezee	Adam Lu	Antonius Su
Donald Curtis	Frank Maben	C. Suykerbuyk
Amram Dahukey	Ryan Mackey	Arthur Tallis
Rajesh Daulat	Scott Maling	Selena Tang
Joseph DeRose	Verlan Marshall	Wesley Taxier
Dennis DiMatteo	Erin Martin	George Thaler
Kris DiNucci	Cathleen McCarthy	Edward Tierney
Marvin Dobkin	Cameron McKay	Eric Trattner
Richard Donela	Floyd Miller	Thomas Troy
Jessica Duggan	Hartely Miltchin	Melanie Violand
Michael Esber	Wayne Moyer	Jodi Walters
Albert Eulano	Craig Murad	Michael Warheit
Scott Evans	Peter Myskiw	Mark Weissfeld
John Ferguson	Ronald Nagy	Loren Wessel
John Fiorino	Anna Natcher	Chad Westphal
Mark Forman	Glenn Nelson	Bradley Whitaker
Michael Fox	Bradley Newswander	Edward Wiebe
Darick Freestone	Vu Nguyen	K. Wolfensperger
Gary Friedlander	Spencer Niemann	Wesley Yamada
Christopher Funk	Brent Nixon	Susan Young
James Garber	Dennis Noss	Robert Zachow
Louis Geller	Rachel O'Connor	Frank Zappa
Stephen Geller	S. Otero-Quintero	Michelle Zhubrak
April Glesinger	Mary Peters	Robert Zobel

Dr. Leonetti was present during the discussion of the license renewal and dispensing renewal for Dr. Kathleen Stone. Dr. Stone was present with attorney Bruce Crawford. Dr. Stone has surrendered her DEA certificate. However, under the Board's current Rules, that certificate is required in order to hold a dispensing registration with this Board. The dispensing registration is required if a podiatrist wishes to dispense medications and/or DME from their office. Along with her license renewal application, Dr. Stone has requested approval of her dispensing registration renewal. She is asking the Board to allow her to continue dispensing DME, specifically custom orthotics.

Dr. Kaplan reviewed the details with Mr. Tellier who advised that the current Rules adopted by the Board should be followed, even though the Board is currently undergoing the Rules review and hopes to change the dispensing registration requirements to exclude DME. Ms. Penttinen clarified for Dr. Kaplan that the Rules review and subsequent change process is likely to take several months. The Governor's Regulatory Review Council, ("GRRC"), which governs Rules, had previously set in place a moratorium on changing Rules for all State agencies which lasted several years. Now that the moratorium is lifted GRRC essentially has a backlog of Rules reviews and changes to evaluate so the process is likely to take longer than it normally would. Dr. Leonetti asked if a Board policy could override a Rule. Mr. Tellier advised it could not.

There was extensive discussion among the Board members, Dr. Stone and Mr. Crawford regarding the current Rules regarding the dispensing registration requirements. Mr. Crawford opined that the Rule which requires a current DEA certificate is an improper Rule. He further stated that Dr. Stone's only recourse, if not granted permission by this Board to dispense, would be to file suit against the Board in Superior Court. Mr. Crawford stated he feels this is a technical issue for which Dr. Stone should not be penalized. He stated that Dr. Stone would be willing to work with the Board on some type of temporary or interim agreement to dispense. Dr. Leonetti stated that with the way the Rules are currently written it would be very difficult to get around this situation, referring to a special dispensing agreement. He further stated that while he does not agree with the current Rule requiring the DEA certificate, the Rule is in place and must be followed. The Board members reviewed the definition of "devices" which is under the Pharmacy Board statutes and discovered that it includes all types of DME. Dr. Kaplan offered discussion regarding a possible special agreement to allow Dr. Stone to dispense DME only.

MOTION: Ms. Miles moved to grant Dr. Stone a dispensing registration upon amending her current consent agreement under case number 13-05-B to prohibit her from dispensing all drugs until such time as she obtains a current DEA certificate and requests permission from the Board to dispense drugs. Dr. Kaplan seconded the motion for the purpose of opening discussion.

DISCUSSION: Mr. Rhodes offered an amendment to the motion to change "drugs" to "controlled" substances. Ms. Miles said she chose the word "drugs" because that is the wording in the Board's Rules for dispensing. Dr. Kaplan agreed. There was extensive discussion on the motion during which time Dr. Leonetti voiced strong disagreement with the proposed motion. He stated he did not feel it was appropriate to bend Rules to satisfy one particular situation. Asked for his opinion, Mr. Tellier stated he agreed with Dr. Leonetti's concerns and feels that the Board is bound by the Rules that are currently in place. Dr. Kaplan asked whether allowing Dr. Stone to have a dispensing registration under these terms would jeopardize the Board in any legal or Legislative way. Ms. Miles stated there is always exposure but her mindset is weighing the risks involved. Dr. Leonetti echoed his concerns that the integrity of the Board can be negatively affected if the laws are bent to satisfy one person's unique circumstance and that it will also cause additional licensees to ask for special considerations and special rules for their own situations. Dr. Stone addressed the Board and stated that this was not something she considered when she signed her consent agreement. She added that by not having a dispensing registration the Board was essentially taking her practice away. Dr. Leonetti stated that he does not believe the Board should have to be creative in helping a licensee keep their practice when the licensee caused the loss of her DEA certificate. Ms. Miles suggested crafting a substantive policy statement which would interpret the dispensing registration Rules such that a DEA certificate is not required if the licensee only wishes to dispense DME. Mr. Tellier advised that the substantive policy statement is designed to address matters which are not specified in a law and should not be used to circumvent something that is specifically stated in law. After brief further discussion Ms. Miles withdrew her motion.

MOTION: Dr. Kaplan moved to deny Dr. Stone's dispensing registration renewal on the basis that she does not meet the minimum requirements due to not having a current DEA certificate. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed three to two by roll call vote with Mr. Rhodes and Ms. Miles offering the dissenting votes.

Dr. Leonetti was not present during the review of the remaining renewal applications.

Dr. Campbell recused herself from the review of her renewal application.

MOTION: Ms. Miles moved to approve the renewal application for Dr. Barbara Campbell. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote with Dr. Campbell recused and Dr. Leonetti absent.

MOTION: Dr. Kaplan moved to approve the license renewal and dispensing renewals for all other physician not otherwise discussed (including Dr. Kathleen Stone's license renewal application, but not dispensing renewal). Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote with Dr. Leonetti absent.

VII. Executive Director's Report – Review, Discussion and Possible Action

a. Update on 5-Year Rules Review

Ms. Penttinen advised that she has been continuing to work with the contracted Rules reviewer/writer Kathleen Phillips. She provided the Board members with copies of all correspondence she has had with Ms. Phillips which includes items previously discussed by the Board. Ms. Phillips has suggested several additional changes which revolve mostly around the new license application form. Ms. Penttinen requested that the Board members review Ms. Phillips' suggestions and provide feedback at the August 14, 2013 Board meeting which she can then relate back to Ms. Phillips.

b. Open complaint status report.

Ms. Penttinen advised that she received two new complaints in the last month. The total is now 62 cases including those which were on today's agenda. Ms. Penttinen also stated that she received a call from Dr. Jerome Cohn who told her he is ready to begin reviewing cases again on a limited basis.

c. Malpractice case report. (None at this time.)

VIII. Call To The Public

There were no requests to speak during the Call to the Public.

IX. Next Board Meeting Date:

a. August 14, 2013 at 8:30 a.m.

X. Adjournment

MOTION: Ms. Miles moved to adjourn the meeting. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote with Dr. Leonetti absent and the meeting was adjourned at 12:16 p.m.